

REMARKS

The claims have not been amended. Thus, no listing of claims is required. Claims 1, 3, 4, 6-7, and 9-12 are pending.

Claims 1, 4, 7, and 10-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Higashiyama (U.S. Publication 2002/0047843). Claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Higashiyama. These rejections are respectfully traversed.

Higashiyama should not be considered prior art to the instant application. The filing date of Higashiyama is August 23, 2001. Applicants are entitled to the benefit of the September 16, 1999 filing date of Japanese patent application number 11-262699. The claim for priority and the submission of the priority document was made on October 13, 2000. Please note that even the September 18, 2000 filing date of the present application predates the 35 U.S.C. § 102(e) date of Higashiyama. Accordingly, the rejection to claims 1, 4, 7, and 10-12 under 35 U.S.C. § 102(e) should be withdrawn.

Independent claims 1, 3, 4, 6, 7, and 9 are believed to be allowable. Depending claims 10, 11, and 12 are also believed to be allowable.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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